

KANSAS

FLOODPLAIN MANAGEMENT TIPS



August 2018

Bury it in the Floodplain

Cities and counties both have to deal with buried gas and transmission lines from time to time. There seems to be an inconsistency across jurisdictions about how buried lines are permitted. These lines often cross jurisdictional boundaries so some consistency becomes important.

The Code of Federal Regulations 44 CFR 59.1 defines development in this way, “any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.” Based upon this definition, we know that excavation for a line requires a floodplain development permit.

The permit is a document that proves your community is doing what it is required to under the National Flood Insurance Program (NFIP). Use the permit form to spell out stipulations to protect yourself should something go wrong. The permit should require that extra spoil material be spread out and not left as a berm or dam across the floodplain. This could push water off on to other people. Require that disturbed streams be restored to their original condition. When a Floodplain Manager says that no permit is required for an underground line then the community has no authority to come back later and say the work was done incorrectly. Include requirements in your floodplain permit for stream crossings as well.

Communities are required to verify that all State and Federal permits have been issued prior to approving their own local floodplain permit. All development in floodplain must have a permit from the local community under the NFIP. This will include buried lines in floodplains. The permits from Kansas Division of Water Resources (DWR) have different requirements.

Here are the DWR requirements. When pipelines or underground lines cross a stream with more than 50 square miles of drainage then a permit is required from DWR. Directional boring crossings and stream less than 50 square miles do not require permits from DWR as long as the pipeline or cable is buried at a minimum depth of 5’ beneath the stream bed and the channel and banks are restored to natural elevations and surplus material disposed of and does not cause an obstruction. It should be noted that some pipelines require temporary stream crossings and those would require permitting from DWR.

In the case you are not sure if a permit is required then please check with the permit engineers for DWR. Be consistent in issuing permits. Floodplain Managers have authority to revoke a permit if conditions are not met. Do not end up with a situation similar to the photo at right. A new line was dug through the stream channel. The excess dirt was piled over the excavation in such a way that it created a dam across the stream.

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Walkout Basement

The Federal Emergency Management Agency (FEMA) booklet, “Answers to Questions about the NFIP” F-084 defines a basement as any part of a building where all sides of the floor are located below ground level. The booklet goes on to explain the coverage limitations in a basement.

The term we commonly use in Kansas for a walkout basement is only below ground level on three sides. The fourth side is usually at or slightly above ground level. FEMA calls this an elevated with enclosure area and treats it somewhat like a large crawlspace. It does not meet the definition of a basement.

It would seem that coverage limitations should not apply to a walkout basement since it does not meet the basement definition. FEMA document, “Summary of Coverages” F-679 says that coverage limitations do apply after all. The Summary of Coverages calls the walkout basement a building elevated on full story foundation walls.

The two documents from FEMA seem to contradict one another. The best answer to this question seems to lie somewhere in the middle. Coverage isn’t always allowed and is not always denied. Coverage will depend a lot on the flood zone and date of construction. Post-FIRM buildings are built after the date of the first Flood Insurance Rate Map (FIRM) in the community. Elevated with enclosure is the terminology that matches what is commonly referred to as a walkout basement.

Post-FIRM/ A1-A30, AE, AH, AR, V1-V30, and VE /Basement – Restricted Coverage

Post-FIRM/ A1-A30, AE, AH, AR, V1-V30, and VE /Elevated with enclosure - Restricted Coverage

Pre-FIRM/ A1-A30, AE, AH, AR, V1-V30, and VE /Basement - Restricted Coverage

Pre-FIRM/ A1-A30, AE, AH, AR, V1-V30, and VE /Elevated with enclosure – No restricted coverage

Post-FIRM/ B,C,X, D, A99, A, or AO/Basement - Restricted Coverage

Post-FIRM/ B,C,X, D, A99, A, or AO/Elevated with Enclosure - No restricted coverage

Pre-FIRM/ B,C,X, D, A99, A, or AO/Basement - Restricted Coverage

Pre-FIRM/ B,C,X, D, A99, A, or AO/Elevated with enclosure - No restricted coverage

There might be a situation where a property is elevated four feet above Base Flood Elevation (BFE). The property owner may opt for the AE zone elevation rated policy because the premium is less than the standard X zone policy. In this scenario the premiums would be reduced but the coverage limitations would apply.

In another situation, a property might be a Post-FIRM building that is located in an AE zone and suffers a flood loss. Property owner hires a surveyor and applies for and receives a Letter of Map Amendment (LOMA) The building is now considered to be in the X zone and the claim could be paid without the coverage limitations.

Don’t always take no for an answer on claim for a flood loss for a walkout basement. Citizens have been denied claims in enclosed areas incorrectly. Do some checking.



Photo shows a typical walkout basement.

Dane Bailey Resigns

Dane Bailey has worked for the Kansas Department of Agriculture in the Division of Water Resources for six years. He was the Floodplain Mapping Coordinator. Dane's job involved working with communities to develop new Flood Insurance Rate Maps (FIRMs) and to identify local flood risk. Dane has taken a position with Federal Emergency Management Agency (FEMA) in Kansas City, Missouri as their Senior Manager for Floodplain Mapping. Dane had this to say, "It has been a pleasure working with Kansas communities to improve the quality and quantity of floodplain mapping in the state. I intend to continue doing just that at FEMA. We still have a long way to go and I encourage all my friends and colleagues in Kansas to never hesitate reaching out to me at FEMA if you ever need assistance."



Free Signs in Floodplains

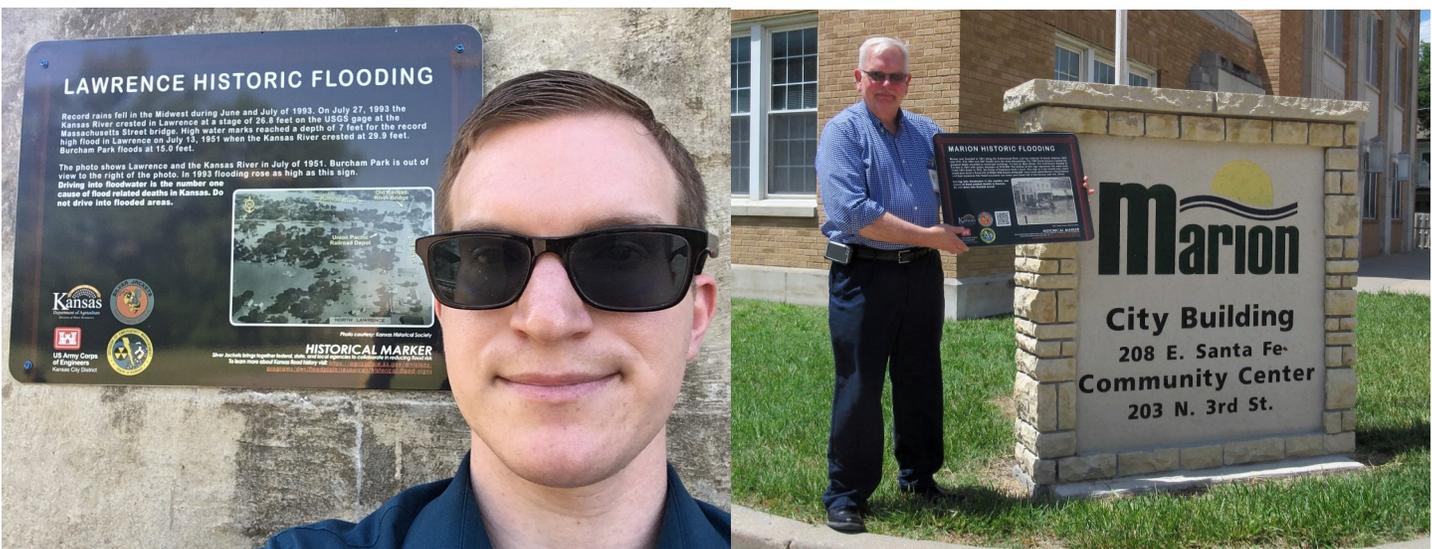
The U.S. Army Corps of Engineers (USACE) has been providing free signs about historic flooding to communities in Kansas. This is a special project through their Silver Jackets program that also involved the Kansas State Historical Society and Kansas Division of Emergency Management. The signs feature a historical flood photo and information about past flooding and high water levels. The USACE has a graphic design team and the signs are professionally done. The USACE also has their very own sign shop to make the signs.

Funding was available for 40 of these signs and 25 have been awarded so far. The only cost to the community is to install the sign and the staff time involved in filing an application. Contact Steve Samuelson at steve.samuelson@ks.gov in the case you are a community official and you are interested in filing an application.

Many of the signs are being mounted in city parks in areas that have had flooding. A sign in Lawrence is mounted on the side of a pump house building that flooded and had a known high water mark. The City of Marion will be erecting a stone pedestal to mount their sign in a park near their levee.

Information about the signs will be added to the Kansas Department of Agriculture website for the Division of Water Resources Floodplain Team. The website has historical information and additional flood photos from each community that filed an application. Look for the Sign Initiative under Floodplain Resources at: <http://agriculture.ks.gov/divisions-programs/dwr/floodplain/resources/historical-flood-signs>

Photos: Martin Koch with the sign in Lawrence and Roger Holter holding his brand new sign for Marion.



Training Opportunities

The Floodplain Management Program will host the following training sessions throughout Kansas. If you are interested in any of the no-cost training opportunities, please contact Tom Morey at 785-296-5440 or Steve Samuelson at 785-296-4622. A training registration form is in this newsletter.

Post Flood Responsibilities

This free class is intended for community officials responsible for administering floodplain management regulations. The course focuses on what to do during and after a disaster event. Topics include substantial damage, permitting, Increased Cost of Compliance and violations. Allowed 3.5 hours for certified floodplain managers. Limited to 20 participants.

- Junction City – Oct. 18, 2018 8:30 a.m.-12:30 p.m.

Violations and Enforcement in Floodplains

This free class is intended for community officials responsible for enforcing floodplain management regulations. The course will focus on various types of violations, how to correct violations and enforcement procedures. Allowed 3.5hours toward CFM. Limited to 20 participants.

- Lawrence – Dec. 12, 2018 8:30 a.m.-12:30 p.m.

Elevation Certificates and Letters of Map Amendment

This free class is designed for community officials responsible for administering floodplain management as well as surveyors and engineers who complete Letters Of Map Amendment (LOMA) and Elevation Certificate forms. The course will focus on accurate completion of Federal Emergency Management Agency (FEMA) technical forms, building diagrams and base flood elevation. Approved 3.5 hours toward

- Topeka– Oct. 16, 2018 8:30 a.m.-12:30 p.m.

Find more information about floodplain management from Kansas Department of Agriculture
Division of Water Resources on line at:
<http://agriculture.ks.gov/divisions-programs/dwr/floodplain>

Email saves money on postage. The electronic newsletter also has links and the photos are in color. If you are getting this newsletter by postal mail and would prefer email please contact Steve Samuelson at steve.samuelson@ks.gov.

Mark your calendar. The Kansas Association for Floodplain Management 2018 conference will be September 5 and 6 in Wichita. More information will be posted at the website: www.kafm.org. Registration will be done through a link on the website. If you have questions about registration please contact Don Slone, Chairman, at 913-667-1708.

Kansas Department of Agriculture
Division of Water Resources
Floodplain Program
Training Registration Form

Name _____

Title _____

Organization _____

Address _____

City _____ State _____ Zip _____

Telephone _____ Fax _____

E-mail _____

Name, date and location of training you will attend _____

*Please share this invitation with anyone else who could benefit from the training.

**Classroom locations will be sent to registered participants one week before the training.

Please mail or fax your registration to:

KANSAS DEPARTMENT OF AGRICULTURE
FLOODPLAIN MANAGEMENT PROGRAM
6531 SE Forbes Ave., Suite B
TOPEKA, KS 66619
Fax to: 785-296-8298

For questions about training, please contact Steve Samuelson by email at steve.samuelson@ks.gov or by phone 785-296-4622, or contact Martin Koch at martin.koch@ks.gov and 785-296-0854.

Please help us keep our records current. If the name that appears on this newsletter is for an individual no longer with your organization, please call 785-296-4622, or email steve.samuelson@ks.gov to report the change.

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Kansas Department of Agriculture
Division of Water Resources
Topeka Field Office
Floodplain Management
6531 SE Forbes Ave., Suite B
Topeka, KS 66619

ASFPM 2019 National Conference in Cleveland

The 2019 Association of State Floodplain Managers National Conference will be May 19-24, 2019 in Cleveland, Ohio. This conference is an excellent opportunity for floodplain managers to receive training on mapping technologies, regulations, permitting, outreach and best practices. It is estimated the conference will be attended by more than 1,000 floodplain management professionals. This conference is great chance to meet people for networking and to learn the latest news in floodplain management. Funds may be available to assist with attendance for local officials to the conference. Contact Steve Samuelson for more information: steve.samuelson@ks.gov.

KDA/DWR Water Structures Floodplain Program Staff

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